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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven Thomas Slunick

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CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER

KEE, FANNIE C

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,621	<b>Applicant(s)</b> SLUNICK ET AL.	
	<b>Examiner</b> Fannie Kee	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Imoehl U.S. Patent No. 5,105,787.

With regard to claim 1, Imoehl discloses a fluid connection assembly comprising:  
a housing (12) including a fluid port (28), and the housing is made of a first material;  
a tube (14) made of a second material dissimilar to the first material;  
a seal (32) located between the tube and the fluid port;  
a retainer (34) to secure the fluid port to the tube; and  
a locating feature (44) to prevent relative rotation between the fluid port of the housing and the tube.

With regard to claim 2, Imoehl discloses the first material being plastic and the second material being metal (see Figure 1).

With regard to claim 3, Imoehl discloses the housing being a manifold (see Figure 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imoehl.

With regard to claim 4, Imoehl discloses the claimed invention but does not expressly disclose that the tube is made of aluminum.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the tube from aluminum because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 5, Imoehl discloses the claimed invention but does not disclose that the retainer is made of plastic.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the retainer from plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its

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suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

5. Claims 1, 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew U.S. Patent No. 5,826,920.

With regard to claim 1, and as seen in Figure 1, Bartholomew discloses a fluid connection assembly comprising:

- a housing (22, 28) including a fluid port;
- a tube (24);
- a seal (26) located between the tube and the fluid port;
- a retainer (90) to secure the fluid port to the tube; and
- a locating feature (96) to prevent relative rotation between the fluid port of the housing and the tube.

However, Smith does not teach that the housing is made of a first material and the tube made of a second material dissimilar to the first material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of a first material and the tube of a second material dissimilar to the first material because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 6, and as seen in Figure 1, Bartholomew discloses the fluid port (22, 28) being inserted into the tube (24), and the fluid port includes an annular collar (28) and the tube includes a flared end (64) that abuts the annular collar.

With regard to claim 7, and as seen in Figure 1, Bartholomew discloses the retainer (90) being molded over the annular collar of the fluid port and the flared end of the tube.

With regard to claim 13, and as seen in Figure 1, Bartholomew discloses a fluid connection assembly comprising:

- a manifold (22) including a fluid port, and the fluid port includes an annular collar (28) and an annular recess;

- a metal tube (24) including a flared end (64), and the flared end abuts the annular collar of the fluid port;

- a seal (26) received in the annular recess of the fluid port, and the seal is located between the metal tube and the fluid port; and

- a retainer (90) molded over the annular collar and the flared end to secure the fluid port to the metal tube.

However, Bartholomew does not disclose that the manifold or the retainer is formed of a plastic material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the manifold and the retainer of plastic because it has been held to be

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within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 14, and as seen in Figure 1, Bartholomew discloses at least one of the fluid port and the metal tube including a locating feature (96), and the material of the retainer being received in the locating feature to prevent relative rotation between the fluid port of the manifold and the tube.

6. Claims 1, 8, 9, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith U.S. Patent No. 5,002,314.

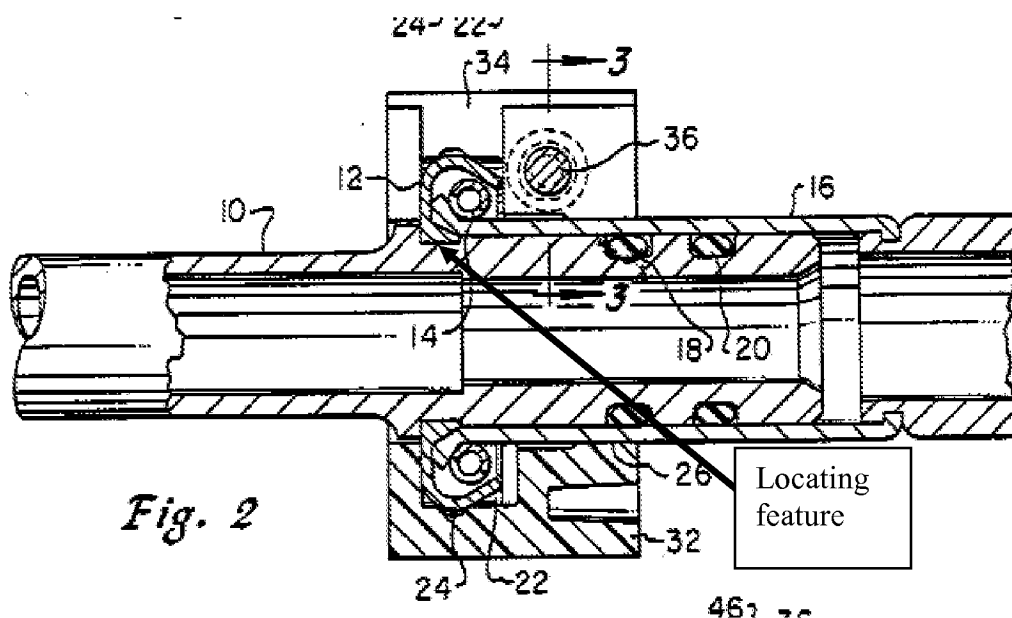
With regard to claim 1, and as shown in Figure 2 below, Smith discloses a fluid connection assembly comprising:

- a housing (10) including a fluid port;
- a tube (16);
- a seal (18) located between the tube and the fluid port;
- a retainer (12) to secure the fluid port to the tube; and
- a locating feature to prevent relative rotation between the fluid port of the housing and the tube.

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However, Smith does not teach that the housing is made of a first material and the tube made of a second material dissimilar to the first material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of a first material and the tube of a second material dissimilar to the first material because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.



With regard to claim 8, and as shown in Figure 2 above, Smith discloses the fluid port includes at least one annular recess that receives the seal.

With regard to claim 9, and as shown in Figure 2 above, Smith discloses at least one of the fluid port and the tube including the locating feature, and the material of the retainer being



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received in the locating feature to prevent relative rotation between the fluid port of the housing and the tube.

With regard to claim 15, and as shown in Figure 2 above, Smith discloses a method of assembling a fluid connection comprising the step of:

attaching a fluid port (22) of a housing to a metal tube (24);  
locating a seal (26) between the metal tube and the fluid port;  
retaining (90) the fluid port to the metal tube; and  
preventing rotation between the fluid port of the housing and the metal tube (see locating feature in Figure 2 above).

However, Smith does not disclose that the housing is formed of a plastic material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 16, and as shown in Figure 2 above, Smith discloses the step of inserting the fluid port into the metal tube.

With regard to claim 17, and as shown in Figure 2 above, Smith discloses the step of preventing over insertion of the metal tube during the step of inserting the fluid port into the metal tube (the connection at 28 and 64).

With regard to claim 18, and as shown in Figure 2 above, Smith discloses the step of retaining including molding a retainer (90) over a joint of the metal tube and the fluid housing.

However, Smith does not disclose that the retainer is formed of a plastic material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the retainer of plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-9 and 13-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

/F. K./  
Examiner, Art Unit 3679